

## MINUTES

### MANSFIELD PLANNING AND ZONING COMMISSION Regular Meeting, Monday, June 21, 2010 Council Chamber, Audrey P. Beck Municipal Building

Members present: R. Favretti (Chairman), J. Goodwin, R. Hall, K. Holt, G. Lewis, B. Pociask, B. Ryan  
Members absent: M. Beal, P. Plante  
Alternates present: F. Loxsom, K. Rawn, V. Stearns  
Staff Present: Curt Hirsch (Zoning Agent)

Chairman Favretti called the meeting to order at 7:01 p.m. and appointed Stearns and Loxsom to act in members' absence.

#### **Minutes:**

6/7/10-Hall MOVED, Pociask seconded, to approve the 6/7/10 minutes as written. MOTION PASSED with all in favor except Ryan, Lewis, Goodwin and Stearns who were disqualified.  
6/15/10 Field Trip-Holt MOVED, Rawn seconded, to approve the 6/15/10 field trip minutes as written. MOTION PASSED with Rawn, Favretti and Holt in favor and all others disqualified.

#### **Zoning Agent's Report:**

Noted.

#### **New Business:**

**1. Request to authorize overhead utility lines over conservation easement area dedicated in association with the Hawthorne Park Subdivision, PZC File # 1177**

The Director of Planning's 6/15/10 memo was noted. Wayne Hawthorne was present and summarized the proposal to allow overhead utility lines within the conservation easement area to facilitate a less invasive crossing by CL&P in their right-of-way. It was agreed by members to add this item to the next field trip agenda after the first meeting in July.

**2. Request to authorize site work, Whispering Glen Multi-family housing development, PZC File #1284**

Pociask MOVED, Ryan seconded, that the PZC modify Condition #3 of its 9/21/09 approval of the Whispering Glen multi-family housing development to authorize the Zoning Agent to issue a Zoning Permit for approved site work, but no residential structures, as requested in a 6/2/10 letter from Project Engineer P. Lafayette. This authorization is subject to the following conditions:

1. Homeowner Association requirements, as specified in condition #3 of the PZC's 9/21/09 approval, shall be met prior to the issuance of a Zoning Permit for construction of residential units.
2. Approved erosion and sedimentation controls shall be in place before any site work begins and maintained until the entire project is completed as per approved plans and fully stabilized.
3. No Zoning Permit shall be issued until the cash site development bond required pursuant to Condition #7 of the PZC's 9/21/09 approval has been posted and approved with associated bond agreement.
4. All other 9/21/09 approval conditions shall remain in full force and effect.

MOTION PASSED UNANIMOUSLY.

#### **Public Hearing:**

**Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green property at 1090 Stafford Road, File #1258**

Chairman Favretti opened the Public Hearing at 7:17 p.m. Members present were Favretti, Goodwin, Hall, Holt, Lewis, Pociask, Ryan and alternates Loxsom, Rawn, Stearns. Favretti appointed Stearns and Loxsom to act. Curt Hirsch, Zoning Agent read the legal notice as it appeared in the Chronicle on 6/8/10 and 6/16/10. Hirsch noted a 6/16/10 memo from C. Hirsch, Zoning Agent and 6/17/10 memo from G. Meitzler, Assistant Town Engineer.

Present were S. Banis, E. Hall, and P. DeSiato on behalf of K. Green, none of whom had additional comments.

David Crouse, Mansfield Hollow, stated that he is not opposed to the Hall Gravel Renewal Permit but was concerned about the potential removal of material from the hill near the south boundary of the Hall site. He fears that Mr. Hall's activity would cause the hill to collapse and Mansfield Hollow would cease to exist if the hill were tampered with. Hirsch explained that there is a 50-foot buffer, or area of no activity, that is part of the sand and gravel application, and that Ed Hall and Eric Hall are both aware there is to be no disturbance to that area.

Noting no further comments from the public or commission, Hall MOVED, Ryan seconded, to close the public hearing at 7:26 p.m. MOTION PASSED UNANIMOUSLY.

**Old Business:**

**3. Consideration of Action: Gravel Permit Renewals, Banis property on Pleasant Valley Road File #1164; Hall property on Old Mansfield Hollow Road File #910-2; Green property at 1090 Stafford Road, File #1258**

**Banis property on Pleasant Valley Road File #1164:**

Holt MOVED, Hall seconded, to approve with conditions the special permit renewal application (file 1164) of Steven D. Banis for the removal of approximately 7,500 cubic yards of excess material from Area #3 to be used for agricultural purposes on property located at Pleasant Valley Farm, Pleasant Valley Road, in an RAR-90 zone, as submitted to the Commission and shown on plans dated 6/1/05 revised through 6/4/10, accompanied by a 6/4/10 letter, and as presented at a Public Hearing on 6/21/10. This approval is granted because the application as hereby approved is considered to be in compliance with Article X, Section H, Article V, Section B, and other provisions of the Mansfield Zoning Regulations, and is granted subject to the following conditions:

1. The applicant shall implement the suggestions and recommendations for soil and erosion control contained in a 7/12/00 letter from David Askew, District Manager of the Tolland County Soil and Water Conservation District, Inc. This work includes the stabilization of areas adjacent to watercourses, the stabilization of the largest intermittent stream channel, the phasing of land-disturbing activity to minimize periods of soil exposure and the revegetation of disturbed areas.
2. No blasting or excavation work shall take place within fifty feet of a property line. Particular care shall be taken in meeting this requirement adjacent to the Wadsworth property.
3. All work shall be conducted between 7 a.m. and 7 p.m. Monday through Friday and between 9 a.m. and 7 p.m. Saturday.
4. All blasting work shall be subject to the permitting process administered by the office of the Fire Marshal. The applicant's blasting agent shall notify the Windham Airport prior to blasting activity pursuant to a schedule to be agreed upon by the blasting agent, Mansfield's Fire Marshal and the Windham Airport manager. In addition, the applicant shall place a temporary sign along Pleasant Valley Road at least twelve (12) hours prior to blasting activity. The sign shall note the anticipated period of blasting.

5. Based on the applicant's submissions, all material removed from site is to be trucked out of Mansfield. All trucks hauling material offsite shall use Pleasant Valley Road to Route 32 to Route 6, and all loads shall be covered during transit.
6. The site shall be maintained as follows:
  - A. There shall be no rock-processing equipment onsite;
  - B. There shall be no rock or stump burial onsite;
  - C. Onsite stockpiling shall be kept to a minimum to help prevent safety problems;
  - D. No topsoil shall be removed from the site.
  - E. The applicant shall submit bi-weekly erosion and sedimentation monitoring reports to the Zoning Agent until disturbed areas are revegetated;
7. Subject to compliance with all conditions, this permit shall be in effect until July 1, 2011;
8. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records.

MOTION PASSED UNANIMOUSLY.

**Green property at 1090 Stafford Road, File #1258**

Holt MOVED, Pociask seconded, to approve with conditions the application of K. Green (File # 1258) for a special permit renewal for gravel removal activity at 1090 Stafford Road. The approved area for new excavation is shown on maps dated 7/2/09 and authorized work is described in a 6/15/09 letter from the applicant, other application submissions and testimony at a Public Hearing on 6/21/10. This approval is granted because the application as hereby approved is considered to be in compliance with Article XI, Section D, Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. All disturbed areas shall be covered with a minimum of 4 inches of topsoil and revegetated as per regulatory requirements and application submissions. No topsoil shall be removed from site without prior authorization.
2. The haul route indicated on the 7/2/09 plans and approved by the Assistant Town Engineer shall be utilized. An anti-tracking pad shall be installed at the Route 32 intersection of the haul route.
3. Erosion and sedimentation controls shall be installed where necessary as determined by the Assistant Town Engineer/Inland Wetland Agent. Particular attention shall be given to the area where a haul road culvert will be placed.
4. Due to the agricultural nature of the subject application, the distance of the site activity from wetland/watercourse areas and the adequacy of submitted plans, no site development bonding shall be required at this time. The PZC reserves the right to require bonding if site development problems arise.
5. This permit shall not become valid until the applicant obtains the permit form from the Planning Office and files it on the Land Records. If the subject excavation and site restoration work are not completed by 7/1/2011, renewal of this Special Permit shall be required.

MOTION PASSED UNANIMOUSLY.

**Hall property on Old Mansfield Hollow Road File #910-2**

Holt MOVED, Stearns seconded, to approve with conditions the special permit renewal application of Edward C. Hall (file 910-2) for excavating and grading on property owned by the applicant, located off Bassetts Bridge Road, as presented at a Public Hearing on 6/21/10. This renewal is granted because the application as hereby approved is considered to be in compliance with Article V, Section B and Article X, Section H of the Mansfield Zoning Regulations. Approval is granted with the following conditions, which must be strictly adhered

to, due to potential adverse neighborhood impacts. Any violation of these conditions or the Zoning Regulations may provide basis for revocation or non-renewal of this special permit.

1. No activity shall take place until this renewal of special permit is filed on the Mansfield Land Records by the applicant. This approval for special permit renewal shall apply only to the authorized Phase I area of the site. The excavation activity taking place outside of the north perimeter of the authorized Phase I area shall cease until an application is submitted to the Commission for review and consideration of action.
2. This special permit renewal shall be effective until July 1, 2011;
3. Excavation activity shall take place only in accordance with plans dated 12/1/91 and 5/9/95, as revised to 6/13/06;
4. This permit renewal acknowledges that up to 500 cubic yards of clean topsoil may be brought onto the Phase 1 premises. Prior to depositing any topsoil/fill, the applicant shall contact the Assistant Town Engineer and identify the source of the topsoil material. The Assistant Town Engineer shall make a determination about the suitability of the material source and may require that it be tested for contamination. Only clean topsoil shall be brought in, and it shall be spread or stockpiled solely within the Phase 1 area.
5. All work shall be performed by Edward C. Hall or his employees. No other subcontractors or excavators shall excavate in or haul from this site. All work shall be performed using the equipment stated on said plans and in the applicant's Statement of Use;
6. No more than 8,000 cubic yards of sand and gravel or the amount of material remaining in Phase I, whichever is less, shall be removed per year;
7. In association with any request for permit renewal, the following information shall be submitted to the Commission at least one month prior to the permit expiration date:
  - A. Updated mapping, prepared by a licensed professional engineer, depicting current contour elevations and the status of site conditions, including areas that have been revegetated;
  - B. A status report statement that includes information regarding:
    - the amount of material removed in the current permit year and the estimated remaining material to be removed in the approved phase;
    - the planned timetable for future removal and restoration activity;
    - conformance or lack thereof with the specific approval conditions contained in this renewal motion.
8. Unless prior authorization has been granted by the Commission, the existing area to the south and southeast of the approved excavation phase shall be retained in its existing wooded state. This area provides a buffer between the subject excavation activity and neighboring residential uses and is deemed necessary to address neighborhood impact requirements. The buffer shall extend southerly from the approved Phase I area to the Stadler-McCarthy property and shall extend southeasterly along the Gray and Dyjak properties to Mansfield Hollow Road Extension. The southeasterly extension shall have a minimum width of 50 feet (see Article X, Section H.5.e);
9. Topsoil:
  - A. A minimum of 4" of topsoil shall be spread, seeded and stabilized over areas where excavation has been completed;
  - B. No loam shall be removed from the property. All stockpiled loam presently on the site shall be used for restoration of the area where gravel is removed.
10. In order to ensure that dust does not leave the site, erosion and sedimentation controls and site restoration provisions as detailed in the plans shall be strictly adhered to and the following measures shall be implemented:
  - A. No more than 1.5 acres shall be exposed at any one time;
  - B. The work shall be performed as described, from north to south and west to east, occurring in a "trough";

- C. The swale along the haul road shall be kept dust-free and maintained to trap fine material and to keep the gravel surface of the road clean;
  - D. If the above measures do not control dust on the site as evidenced by complaints from nearby residents and verification by the Zoning Agent, dust monitors shall be installed immediately, with the advice of the applicant's engineer, and with their operation approved by the PZC;
  - E. The haul road shall be watered as necessary to prevent dust;
  - F. All loads shall be covered at the loading location;
  - G. There shall be no stockpiles of any material other than topsoil located outside the excavation area. Any stockpiles will be only as part of the daily operation of the excavation and shall not exceed 10 cubic yards in size. All stockpiled material shall be graded off and stored within the lower portions of the site in order to minimize any windblown transport.
11. In order to ensure that there is no damage to the major aquifer underlying the subject property and nearby wells, the following shall be complied with:
- A. Excavation shall not take place within 4 feet of the water table;
  - B. Materials stored onsite shall be limited to those directly connected with the subject excavation operation or an agricultural or accessory use authorized by the Zoning Regulations. Any burial of stumps obtained from the permit premises shall be in conformance with the DEP's regulations;
  - C. With the exception of manure, which shall be spread in accordance with the letter received at the 4/6/94 PZC meeting from Joyce Meader of the Cooperative Extension Service, no pesticides or fertilizers shall be applied unless a specific application plan is approved by the PZC. All operations to restore the subject site shall employ Best Management Practices as recommended by the Natural Resources Conservation Service and State Department of Environmental Protection for the application of manure, fertilizers or pesticides and the management of animal wastes;
  - D. No refueling, maintenance or storage of equipment shall be done onsite, in order to minimize the potential for damage from accidental spills;
12. At a minimum, the subject site shall be inspected monthly by the Zoning Agent. Said agent shall schedule quarterly site inspections and shall invite neighborhood representatives to accompany him;
13. Old Mansfield Hollow Rd. shall be the only route used for deliveries out of the neighborhood;
14. All zoning performance standards shall be strictly adhered to;
15. Approval of this permit does not imply approval of any future phase;
16. The existing cash bond plus accumulated interest shall remain in place until the activity has ceased and the area has been stabilized and restored to the satisfaction of the PZC.
17. Hauling operations and use of site excavation equipment shall be limited to the hours of 8 am to 5:30 p.m. Mon.-Fri., and 8 a.m. to 1 p.m. on Saturday, with no hours of operation on Sunday;
18. For one year only, from July 1, 2010 to July 1, 2011, the Planning and Zoning Commission waives the requirement of a map submission as per Condition #7A.
19. This special permit shall become valid only after it is obtained by the applicant from the Mansfield Planning Office and filed by him upon the Mansfield Land Records.

Further, it is noted that if there are any changes to the site or plan not authorized by this approval, the applicant shall request a modification before proceeding. Such a request for modification may be considered major and may entail a Public Hearing, depending on the nature of the request and its potential for impact on the health, welfare and safety of Mansfield's citizens and nearby residents.

MOTION PASSED UNANIMOUSLY.

**Old Business:**

1. **Draft Revisions to the Zoning Map, Zoning and Subdivision Regulations, PZC File 907-33**
  - a. Rezoning of Industrial Park Zone and Associated Regulation Revisions
  - b. Aquifer and Public Water Supply Protection Regulations
  - c. Invasive Plant Species RegulationsItems tabled until 7/6/10.
2. **Draft Revisions to the Zoning Regulations Definitions of Family and Boarding House; Political Signs, PZC File 907-32**  
Items tabled until 7/6/10.

**New Business Continued:**

3. **8-24 Referral, North Eagleville Road Sidewalk Project**  
Ryan MOVED, Holt seconded, recommended that the PZC notify the Town Council that the proposed North Eagleville Road sidewalk project is consistent with Mansfield's Plan of Conservation and Development and implementation will significantly enhance pedestrian safety in this area. All necessary Inland Wetland permits need to be obtained before any construction begins. MOTION PASSED UNANIMOUSLY.

**Reports of Officers and Committees:** None.

**Communications and Bills:** Noted.

**Adjournment:** Chairman Favretti declared the meeting adjourned at 7:47 p.m.

Respectfully submitted,  
Katherine Holt, Secretary